IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WA.No. 1238 of 2003()

AGAINST THE JUDGEMENT/ORDER IN OP.9660/2003 Dated 24/03/2003
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APPELLANT: PETITIONER

OMMEN KOSHY, SUPERINTENDENT OF POLICE
(RETD.), SRI VALLIYATH, PATTATHANAM P.O.,
KOLLAM-21

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.K.VINODKUMAR
SRI.P.K.MANOJKUMAR

RESPONDENTS: RESPONDENTS
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1. THE STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
KERALA STATE POLICE, HEAD QUARTERS, VAZHUTHAKAD,
THIRUVANANTHAPURAM.

3. THE ACCOUNTANT GENERAL (A&E) KERALA,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. SANDESH RAJA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 24/10 /2007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & K. HEMA, JJ.

W.A.No. 1238 of 2003

Dated this the 24th day of October, 2007.

JUDGMENT

Radhakrishnan, J:

The only question that has come up for consideration in this appeal is whether the appellant-petitioner is entitled to claim interest for the belated payment of D.C.R.G. Appellant retired from service on 30.11.1994. Admittedly, D.C.R.G. was disbursed only on 18.12.2001. The reason for not granting interest was the filing of O.P.No.18388 of 1994 by the petitioner challenging the disciplinary proceedings and the stay obtained by the petitioner.

2. We find that the stay granted by this court is not a ground to deny interest for the belated payment of D.C.R.G. State did not take any steps to vacate the stay. Learned single Judge is therefore not right in driving the party to the civil court for claiming interest. In these circumstances, we set aside the judgment of the learned

single Judge and allow the writ appeal. Appellant-petitioner is entitled to interest at 6% per annum for the delayed payment of D.C.R.G. from the date of retirement till payment.

Writ Appeal is disposed of as above.

K.S.RADHAKRISHNAN
JUDGE.

K. HEMA,
JUDGE.

Krs.

K.S. RADHAKRISHNAN & K. HEMA, JJ.

W.A.No. 1238 of 2003

Dated this the 24th day of October, 2007.

JUDGMENT.